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Attorneys for Defendant
WAL-MART ASSOCIATES, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVE WHEAT, an individual,

Plaintiff,

vs.

WAL-MART ASSOCIATES, INC., a Delaware
Corporation, and DOES 1-10, inclusive,

Defendants.

Case No. 1:22-cv-01524-BAM

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE PRETRIAL
DATES**

Action Filed: October 27, 2022

Trial Date: June 9, 2025

Plaintiff STEVE WHEAT (“Plaintiff”) and Defendant WAL-MART ASSOCIATES, INC. (“Defendant”), by and through their counsel, hereby stipulate and agree as follows:

WHEREAS, Plaintiff sat for the first day of his deposition on September 11, 2024. The deposition convened remotely via Zoom. Two minutes after going on the record, Plaintiff lost power and internet. After 15 minutes, Plaintiff reported his entire neighborhood was without power. There was no estimated time for the restoration of power and internet.

WHEREAS, counsel conferred off the record about resuming the deposition on another date in person in defense counsel’s Fresno, California office. The stipulation was placed on the record and Plaintiff and his counsel agreed to provide availability.

WHEREAS, the parties have agreed to return on the first mutually available date in person for the deposition of Plaintiff in Fresno, California on October 16, 2024.

WHEREAS, defense counsel has served the Seventh Amended Notice of Deposition of Plaintiff for October 16, 2024.

WHEREAS, defense counsel subpoenaed Dr. Tyler May, one of Plaintiff’s physicians listed in his disclosures for September 11, 2024. Walmart took the deposition of Dr. Tyler May on September 11, 2024. Dr. May sat for deposition for approximately 15 minutes and then had to leave. The parties agreed to continue the deposition at another time. Plaintiff’s counsel would like to ask Dr. May questions and will subpoena him for a mutually agreeable date that he is available.

WHEREAS, defense counsel subpoenaed Davina Uchegbu, NP, one of the medical providers listed in Plaintiff’s disclosures for September 12, 2024. Walmart took a non-appearance of the witness on September 12, 2024. Plaintiff’s counsel would like to ask this witness questions and will subpoena him for a mutually agreeable date that he is available.

WHEREAS, the current deadlines will be prejudicial by requiring the completion of discovery and expert disclosure prior to taking of the deposition of Plaintiff.

THEREFORE, for the reasons set forth above, good cause exists for an extension of pretrial and trial dates set forth in the Court’s Amended Scheduling Conference Order in Docket Number . Thus, subject to the Court’s approval, the Parties stipulate and agree to the proposed revised deadlines below:

Event	Current Date	Proposed Date
Closure of Discovery Extended Solely to Complete Plaintiff's Deposition, Complete Dr. Tyler May's deposition, and take the deposition of Davina Uchegbu in Modification of Docket No. 59.	September 20, 2024	November 1, 2024
Disclosure of Expert Witnesses	September 20, 2024	December 6, 2024

IT IS SO STIPULATED.

DATED: September 13, 2024

KING & SIEGEL LLP

By: /s/Rachael E. Sauer
Julian Burns King
Rachael E. Sauer

Attorneys for Plaintiff STEVE WHEAT

DATED: September 13, 2024

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: /s/James T. Conley
James T. Conley
Haidy M. Rivera

Attorneys for Defendant
WAL-MART ASSOCIATES, INC.

ATTESTATION

Concurrence in the filing of this document has been obtained from the individual whose
electronic signature is attributed above.

1 DATED: September 13, 2024

2 OGLETREE, DEAKINS, NASH,
3 SMOAK & STEWART, P.C.

4 By: /s/ James T. Conley

5 James T. Conley
6 Haidy M. Rivera

7 Attorneys for Defendant
8 WAL-MART ASSOCIATES, INC.
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ORDER

Having considered the Parties' Joint Stipulation to Continue Plaintiff's Deposition Date, and good cause appearing, the Court extends non-expert discovery solely for the limited purpose of completing the depositions of Plaintiff's three treating medical providers and completing the interrupted deposition of Plaintiff, and modifies the Scheduling Order (Docs. 38, 59) as follows:

Event	Previously Scheduled Date	Current Date
Closure of Non-Expert Discovery Extended Solely to Complete Deposition of Plaintiff's Three Treating Providers and Plaintiff's Deposition Due to Power Outage (See Doc. 59)	September 20, 2024	November 1, 2024
Expert Disclosure	September 20, 2024	November 22, 2024
Supplemental Expert Disclosure	October 18, 2024	December 13, 2024
Expert Discovery Cutoff	December 13, 2024	January 17, 2025
Pretrial Motion Filing Deadline	January 17, 2025	January 17, 2025
Pretrial Conference	April 23, 2025 at 9:00 a.m.	April 23, 2025 at 9:00 a.m. (Courtroom 8 – BAM)
Jury Trial (7-10 days)	June 9, 2025 at 8:30 a.m.	June 9, 2025 at 8:30 a.m. (Courtroom 8 – BAM)

No further modifications of the scheduling order will be made absent good cause.

IT IS SO ORDERED.

Dated: **September 17, 2024**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE